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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

later: Ms. DAES (Vice-Chairperson)

later: Ms. MOTOC (Chairperson)

CONTENTS

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

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CONTENTS (continued)

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (continued)

The meeting was called to order at 10.05 a.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (agenda item 4) (continued)

(E/CN.4/Sub.2/2000/13, 14 and Add.1, 15 and 16 and Corr.1; E/CN.4/Sub.2/2000/NGO/5-7, 9, 10, 13, 14, 16, 17, 19 and 20; E/CN.4/2000/5, 20, 49 and 52 and Add.1; E/CN.4/1999/WG.18/2; E/CN.4/Sub.2/1998/7; E/CN.4/Sub.2/AC.4/2000/5; E/C.12/1999/10; CHR/RES/2000/12; Sub-C/RES/1999/9; A/RES/54/196 and 232)

1. Mr. SHIOKAWA (International Association of Democratic Lawyers) said that the activities of transnational corporations led to a deterioration in working conditions in the host country, as shown by the example of Nestlé Japan, a subsidiary of Nestlé SA (Switzerland). Around 1980, after the union in that company had asked for pay increases and improved working conditions, the company had done everything possible to get rid of the union, even trying to divide the workers and intimidating them in various ways. Its actions had been declared illegal by the Japanese courts, but the company had never acknowledged that its behaviour was illegal and continued to act in the same way. In such cases, it was incumbent on the State to regulate the activities of transnational corporations.

2. Mr. MIOT (International Federation of Rural Adult Catholic Movements) condemned the human rights violations in Honduras. He spoke first of the contamination of Lake Yojoa, which was a vital resource for the people in the region. Shore erosion and mine washings were causing pollution from the heavy metals deposited in the rivers running into the lake. Scientific analysis had revealed very high levels of all the metals studied, for which the only explanation was contamination as a result of the activities of a branch of the Toronto-based Breakwater transnational corporation. Although the results of the analysis had been published in 1990, no significant steps had been taken to remedy the contamination, which posed an increasing health risk to the people in the region. Associations had therefore joined together to denounce the lack of action by those responsible and to highlight other problems, such as deforestation and the use of agrochemicals.

3. He also condemned other violations of economic, social and cultural rights in Honduras, particularly the lack of trade union freedom for workers, the total lack of effective medical treatment, the fact that nothing was being done to prevent work-related accidents and illnesses, the violation of the Honduran Labour Code and the threat of eviction hanging over 160 families who had been living on the land since 1912, as well as over other groups of peasants.

4. He urged members of the Sub-Commission to request the Honduran Government to invite the Special Rapporteur on toxic waste to visit the country, require the management of the mine to take the necessary steps to clean up and eliminate toxic waste, and ensure that people enjoyed their basic rights to drinking water, health and a healthy environment.

5. Mr. PARY (Indian Movement "Tupaj Amaru") stressed the urgent need to draw up a code of conduct to regulate the activities of transnational corporations. There had been talk of doing so for 30 years but, so far, negotiations on the issue had failed because of the pressure applied by the powerful economic and financial circles in the West. The failure was also due to the impact of the guidelines issued to Governments by the World Bank and the International Monetary Fund (IMF) on how to deal with foreign direct investment in host countries.

6. Thanks to their overwhelming dominant position, transnational corporations, which were firmly established in every major economic sector in the North and South, including within the United Nations, were able to behave in an anarchic fashion, plundering with impunity the developing countries' wealth and the natural resources considered as strategic for the Western world. The decision makers in transnational corporations would stop at nothing - including corruption, political pressure and economic blackmail - to achieve their goals. To see that, one need look no further than the role played in 1973 by the multinational ITT (International Telephone and Telegraph) in overthrowing the constitutional Government of Salvador Allende in Chile, that played by the Gulf Oil Company in the coup d'état by Hugo Banzer against J.J. Torres in Bolivia in 1971, or the operation by the United Fruit Company against the Government of Jacobo Arbenz in Guatemala in 1954.

7. Transnationals were supranational bodies in States, as shown by the figures given by the United Nations Conference on Trade and Development (UNCTAD) in the World Investment Report 1999. In 1997, the 100 largest transnational corporations had foreign assets worth US$ 1.8 billion and foreign sales of US$ 2.1 billion, and employed about 6 million people. Almost 90 per cent of the 100 largest transnational corporations came from Western Europe, Japan, Canada and the United States, only two companies from developing countries were on the list. Sixty countries had amended their legislation to create investor-friendly conditions. After the break-up of the Soviet Union, a conglomerate of monopolies and cartels from all over the world had set out to conquer the far north of Siberia, an area with a potential wealth of natural resources that traditionally belonged to aboriginal peoples.

8. As mankind slowly succumbed to a lawless and immoral world, the lack of an international legal framework capable of regulating the activities of transnational corporations and their direct investment around the world was more noticeable than ever. Rules of conduct taking into account the following factors were urgently needed: in the first place, as the main objective of transnational corporations was to plunder natural resources and exploit workers, they had no interest whatsoever in social problems; moreover, host States had no more room for manoeuvre in negotiations and transnational corporations had no legal status; lastly, transnational corporations were not Stateless but were ruled from decision centres in the developed countries. Consequently, the following measures should be taken: the negative impact of the activities of transnational corporations on the realization of economic, social and cultural rights, particularly the right to development, should be determined; transnational

corporations' right to own property should be defined; and their economic structure, their legal status and their worldwide strategy, with its focus on the concentration of capital and markets on a global level, should be identified.

9. Ms. SHAUMIAN (International Institute of Peace) said that the right to education was closely associated with the promotion of human rights. The inculcation of the right values was an integral part of any responsible education system, and any educational system that created closed minds revelling in dogma and rejecting modernity was not in mankind's interests. In that connection, she recalled Commission on Human Rights resolution 2000/85, in which States were called upon to ensure that education was directed, inter alia, to the development of respect for human rights and fundamental freedoms and to the preparation of the child for a responsible life in a free society.

10. She expressed concern about what was happening in some countries where ideas of hatred and violence were inculcated in young people. She gave the example of Afghanistan, a country under the control of the Taliban, who had themselves been educated in madrasas, the schools run by religious parties in Pakistan. According to Pakistani media reports, many of those madrasas actively taught young pupils how to use weapons.

11. In discussions on the right to education, including human rights education, it was necessary to look closely at the structure of a society that allowed schools to spring up that trained pupils in how to handle weapons and where they were taught to hate those of a different opinion or religion. In such an environment there was little place for a democratic society of enlightened individuals who wished to contribute to the progress of mankind without discrimination. If children were to be guaranteed the right to education, including human rights education, the first step was to convince States of the imperative need to dismantle educational structures of the kind she had described.

12. Ms. OLIVIER (European Union of Public Relations) said it was unfortunate that those living in countries where development was needed were the ones facing the greatest constraints in that area, because of circumstances beyond their control. In Afghanistan, for example, the Taliban had devastated a land that was already poor and had depleted the workforce by half, by preventing, in the name of a religious ideology, women from working. It was impossible to talk of development in Afghanistan as long as the Taliban were returning the country to the dark ages.

13. Similarly, Kashmiri society, which prided itself on its tradition of harmonious coexistence and on its culture, had been racked by the violence inflicted on them for over a decade by Pakistan-based terrorist groups. In Pakistan itself - a country in dire economic straits - there seemed to be a belief that salvation came from the barrel of a gun. The rulers of Pakistan had preferred to use the northern areas of Gilgit and Baltistan, which were perhaps the most underdeveloped parts of the country, as a launching pad for attacks on India rather than recognize the democratic rights and economic freedoms of the people living there.

14. The developed countries should be asking themselves to what extent they were responsible for creating a world in which violence took precedence over development. They, after all, were the ones manufacturing arms without worrying about the threat they represented.

In that connection, all international human rights activists had a vital role to play, not only in ensuring that those who oppressed others in the name of an ideology or religion were brought to book, but also in calling on the world community to take a closer look at the distribution of global resources. No one could deny that the resources used in manufacturing killing machines should be used for development purposes.

15. Mr. BALTI (Association tunisienne pour l'auto-développement et la solidarité) said he was convinced that the real promotion of democracy and human rights could not take place without sustained and sustainable development. It was regrettable that, despite the commitments made by the developed countries, such a small number of them had reached the target of 0.7 per cent of their gross national product (GNP) for official development assistance, as called for in General Assembly resolution 52/193. There was no real solidarity between the wealthy countries and the rest of the world, and that situation was likely to jeopardize stability and peace in the world.

16. Major efforts were being made in Tunisia to improve living conditions and create sources of income by setting up operational tools such as the National Solidarity Fund. In that connection, he recalled that President Ben Ali's proposal to set up a world solidarity fund to combat poverty had been accepted at the review of the World Summit for Social Development held recently in Geneva. He called on non-governmental organizations to help raise money for that fund.

17. The new communication technologies should be used to advance human rights, bring peoples closer together and cultivate genuine solidarity with those in greatest need. Unfortunately, they were used by some to disseminate racist ideas or encourage immoral activities which were contrary to the very principles of human rights. He hoped that the Sub-Commission would give some thought to that new challenge.

18. Mr. NARANG (Indian Council of Education) stressed that globalization made the field of human rights even more complex in that it concerned not only States but also global actors such as transnational corporations, the World Trade Organization (WTO), the IMF, the World Bank and the global media, which had an enormous impact on the lives of people all over the world.

19. While global rules were being developed in various areas related to human rights, the environment and trade, no mechanism, except for the WTO trade rules, had been set up to monitor their implementation. There were virtually no human rights constraints on transnational corporations in the current world order. That was particularly so with regard to the right to development. For that reason, many of the least developed countries could not take advantage of the new opportunities offered by globalization.

20. A study by a World Bank expert and the Human Development Report 2000 by the United Nations Development Programme (UNDP) showed that income inequalities had increased. Transnational corporations, as the major actors in the globalization process, had a considerable impact on the human rights situation because of their employment and environmental practices, their support for corrupt regimes and their demands for changes to the rules. It was therefore necessary to draw up a code of conduct based on international human

rights standards and to establish a mechanism for follow-up and monitoring by external bodies. That should be one of the tasks of the sessional working group that he was glad to see had been set up to make recommendations and proposals on the working methods and activities of transnational corporations.

21. Mr. EIDE said that the Declaration on the Right to Development had the merit of combining the obligations of States and those of the international community with regard to the observance of economic, social and cultural rights and civil and political rights. The Declaration therefore complemented the provisions of the Charter of the United Nations on that subject.

22. The independent expert on the right to development, Mr. Sengupta, had put forward a strategy for implementing the right to development in which priority was given to the right to food, health care and primary education. One of the virtues of the strategy was that it put the emphasis on very practical matters. The right to access to drinking water and sanitation services was vital for food and health, and he therefore encouraged Mr. Guissé to complete his study on the subject.

23. He strongly supported the view expressed by Mr. Bengoa that the elimination of extreme poverty should not be reduced to marginal relief that allowed those growing rich from globalization to salve their conscience. It should consist of deliberate action aimed at enabling the poor to become actively involved in the development process and to benefit fully from it.

24. States shared responsibility for the globalization process with the multilateral institutions and transnational corporations. The Committee on Economic, Social and Cultural Rights, in its General Comment No. 12 on the right to adequate food, called on States to consider adopting a framework law to implement their national strategies on the right to food. The law should cover, among other things, the goals to be achieved and the time-frame to be set for that purpose, the means by which the purpose could be achieved, monitoring mechanisms and recourse procedures. The involvement of civil society in developing framework legislation was strongly encouraged by the Committee.

25. He welcomed the report on globalization and its impact on the full enjoyment of human rights by Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/2000/13). By describing the institutional framework of globalization and drawing attention to the initiatives within the United Nations system and civil society, the Special Rapporteurs had set out the possible avenues for action. Those initiatives were encouraging signs for the future and were the beginning of a political and social process that should allow globalization to be controlled, just as industrialization had been controlled at an earlier date.

26. He agreed with the Special Rapporteurs that the major problem at the moment was that the United Nations was not dealing with the issues related to international trade, investment and finance. He also shared their views on the need to reform the rules governing those activities and the dispute-settlement mechanisms in such a way that human rights were taken into account. United Nations human rights bodies, together with UNDP, the United Nations Children's Fund (UNICEF), UNCTAD and non-governmental organizations should assert themselves more strongly in setting those standards.

27. The Special Rapporteurs' next report should look more closely at ways to ensure that the World Bank, the IMF and WTO assumed their responsibilities. As those institutions were made up of States, they were bound by the Charter of the United Nations and international human rights instruments, even though their primary concern was trade or finance. One question in particular was of paramount importance: the trade-related aspects of intellectual property rights (TRIPS), which hampered the realization of economic, social and cultural rights.

28. With regard to transnational corporations, in their future report the Special Rapporteurs could develop principles which would not be legally binding at the international level but which could be standards that States might introduce into their regulations concerning the activities of transnational corporations operating within their jurisdiction. Such principles could have a considerable impact if States were able and willing to put them into practice.

29. Ms. PONCINI (International Federation of University Women), making a statement on behalf of her own organization and nine other non-governmental organizations, said that the General Assembly had noted, in the outcomes of its special sessions to review the Fourth World Conference on Women and the World Summit for Social Development, that gender-based inequalities, discrimination and exclusion were on the increase. Putting into practice the principle that men and women were equal was difficult and controversial, so that, for example, women's progress in the labour market was slow and poverty was being feminized.

30. Action programmes should be designed with women in mind and should pay special attention to their specific needs. Furthermore, women should be involved in taking decisions on structural reforms.

31. All existing national and international instruments would remain dead letters as long as women did not have the knowledge, particularly the legal knowledge, or financial and human resources to assert their rights. Despite visible progress in women's access to employment and improvements in their economic circumstances, much remained to be done to combat the many forms of discrimination to which women were exposed. The International Labour Organization (ILO) conventions and international instruments on the elimination of discrimination must therefore be ratified and implemented.

32. Women's right to health, which depended largely on their access to adequate food and housing, was central to the realization of economic, social and cultural rights. The Sub-Commission should therefore consider issues related to women's health and appoint a special rapporteur on health. It was important that the Sub-Commission should examine customary law as well as written law concerning women's right to own land, to inherit, and to have access to the means of production.

33. The Sub-Commission should also look into the new dimension opened up by the entry of women into the business world. As women's concerns were not purely of an economic nature, but also of a social kind, there was a need to review the international instruments and institutional practices that excluded women from taking part in macroeconomic policy- and decision-making.

34. She was pleased that the authors of the report on globalization (E/CN.4/Sub.2/2000/13) had considered the harmful consequences of globalization for women, for most of whom globalization was synonymous with exploitation. She called on the Sub-Commission to undertake, together with the Special Rapporteur on the human rights of migrants, an in-depth study on the problems faced by migrant women, who often had to deal with xenophobia, gender bias and racism. Indigenous women deserved special attention, as they were the ones who took care of the land and who were responsible for preserving their people's cultural values and language.

35. Governments should call on companies to include the concept of sharing family responsibilities in their family-friendly programmes. It was essential that the Sub-Commission should prepare studies on the relationship between women's paid and unpaid work and the eradication of poverty. Such studies would be highly dependent on gender-disaggregated data.

36. Lastly, it was essential that women should take part in the decision-making process, not only in Governments, but also within the United Nations and its specialized agencies, as well as in the private sector. She found it disgraceful that there was only one woman on the Committee on Economic, Social and Cultural Rights and hoped that efforts would be made to achieve a gender balance when the next experts were appointed to the treaty-monitoring bodies.

37. Mr. WEISSBRODT pointed out that a bomb had exploded on the previous day in the centre of Moscow, killing eight people and injuring many others. On behalf of the Sub-Commission, he extended his condolences to the families of the victims. He hoped that terrorist act, for which no one had claimed responsibility, would not undermine the efforts under way to bring about peace and would not lead to a deterioration in the human rights situation in Chechnya.

38. Mr. AFRIDAL DARMI (Netherlands Organization for International Development Cooperation) said that for decades Indonesia had followed a policy of economic growth based on foreign investment and the exploitation of natural resources, and had sacrificed human rights, the environment and the livelihood of indigenous peoples on the altar of "development".

39. The Indonesian National Human Rights Commission had established in 1995 that the armed forces had committed serious violations, including killings, in the province of Papua (Irian Jaya), in order to protect the activities of the American multinational Freeport-McMoRan. To date, no soldier had been prosecuted for the crimes committed and no victim had received compensation.

40. The central and regional governments should show greater transparency and involve the general public in policy development. Such an approach was very important when the aim was decentralization, regional autonomy and sustainable development.

41. He called on the new Indonesian Government to ratify immediately and prepare to implement the International Covenant on Economic, Social and Cultural Rights, adopt a transparent decision-making system and consult the people affected by the decisions on every investment and infrastructure programme.

42. Mr. LE BLANC (Franciscans International) said that racial and gender prejudices were some of the greatest obstacles to the realization of economic, social and cultural rights for both women and men. It was disturbing to note that many girls around the world did not enjoy equal opportunities in education and that religious and cultural reasons were used in an attempt to justify that unequal treatment.

43. The burden of debt-servicing on poor countries was also a cause for concern. The budget cuts forced on them by their debt repayments affected health and education. It was disappointing that the G7 countries had not honoured their commitments under the debt-reduction plan they had adopted in Cologne in 1999.

44. The activities of several transnational corporations continued to give cause for concern because of their repercussions on human rights. Moreover, those corporations resorted more and more often to the services of paramilitary units and used their influence in armed conflicts. While carefully concealing their deplorable conduct from the general public, they continued to carry on their business ruthlessly and in absolute impunity, without being subject to any controls. States had a duty to establish codes of conduct to protect their people from such abuses. He requested the Sub-Commission to investigate the connections between transnational corporations, private security services and paramilitary groups, and the impact of those companies on the right to development.

45. In September 1999, his organization and two other non-governmental organizations had held a joint seminar on the right to development. As the initiative had been such a success, a second seminar on the same subject would be organized soon in cooperation with the Office of the United Nations High Commissioner for Human Rights.

46. Ms. WSZOLEK (Pax Romana) said that the structural adjustment policies imposed by multilateral institutions created serious obstacles to the realization of human rights.

47. Members of her organization had met top officials from the World Bank, IMF and IAD in October 1999 in Washington and had come to the conclusion that the development model advocated by those institutions was not socially viable or inclusive of local communities. However, economic development was not necessarily incompatible with respect for human rights. In Bangladesh, for example, a bank had launched a scheme to provide loans for women wishing to become self-employed. The scheme had raised living standards, alleviated poverty and improved women's social standing. Unfortunately, small projects of that type made up only a fraction of World Bank programmes.

48. The recent trend to privatize State enterprises, as advocated by the international financial institutions, was particularly disturbing, since when those enterprises fell into the hands of the transnational corporations, they deprived people of the most basic resources. In Bolivia, for example, the privatization of the water-supply network had led to an exorbitant rise in the price of water, and six people had died in the ensuing riots.

49. According to UNCTAD statistics, nearly 43 per cent of the population of the least developed countries had no access to drinking water and over a billion people in the developing countries had no access to safe water. At the same time, transnational water companies generated income of up to US$ 80 billion a year.

50. She recommended that the Sub-Commission should, as had been suggested by the Special Rapporteurs, Mr. Oloka-Onyango and Ms. Udagama, establish guidelines on the human rights obligations of the main actors in the globalization process, including the World Bank, the IMF and WTO. She also encouraged Mr. Guissé to include in his working paper on the right of everyone to access to drinking water supply and sanitation services the issue of the devastating effects of the privatization of water-supply companies, particularly on women and the poor in the developing countries. Lastly, she endorsed the proposal by several experts to establish a human rights monitoring mechanism in the multilateral financial institutions.

51. Mr. AHSAN (Interfaith International) said that the Punjabi majority that controlled the army and government in Pakistan did not recognize the economic, social and cultural rights of the country's linguistic minorities. In the province of Sindh, for example, the Mohajirs - who now made up more than half of the population - had never been fairly represented in the province's legislative bodies.

52. The systematic policy of successive Pakistani Governments to exclude the Mohajirs explained why the latter were scandalously under-represented in the police, government and army. The fact that the current chief executive of the police and a few of his colleagues were Mohajirs was simply intended to allay suspicion. The introduction of a quota system only in the province of Sindh was a violation of the Mohajirs' right to education and employment.

53. At the economic level, Karachi could be a prosperous city if Sindh was given autonomous status and freed from the hegemonic domination of Punjab.

54. He called on the Sub-Commission to persuade the Pakistani Government to put an end to its policy of discrimination and repression against the Mohajirs and Sindhis, introduce real democracy and encourage pluralism in all the country's institutions.

55. Mr. KOTHARI (Lutheran World Federation), speaking also on behalf of the Habitat International Coalition and the International Commission of Jurists, welcomed the Sub-Commission's attention to the human rights implications of globalization, including through the study by Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/2000/13) and the sessional working group on the working methods and activities of transnational corporations. The Sub-Commission's work was a useful complement to that carried out by the Committee on Economic, Social and Cultural Rights and UNDP, which focused on human rights and development in its latest Human Development Report. There was a need for more cooperation between the Sub-Commission and the Committee in the area of globalization and economic, social and cultural rights.

56. In their report on globalization (E/CN.4/Sub.2/2000/13), Mr. Oloka-Onyango and Ms. Udagama rightly emphasized a number of points: the primacy of human rights law over all other regimes of international law was a fundamental principle that should not be departed

from (para. 63); the rules of international trade, investment and finance, as well as those that governed the current processes of globalization, required reform (para. 65); and the assumptions on which the rules of WTO were based were grossly unfair and reflected an agenda that served only to promote dominant corporatist interests that already monopolized the arena of international trade (para. 14). That was why the authors believed it was time to attempt to formulate guidelines stipulating the basic human rights obligations of the main actors in the globalization process. The authors furthermore stressed the urgent need to conduct gender-specific analyses of globalization in all its aspects. Civil society should also play a central part in those reform processes.

57. The Sub-Commission should also examine carefully the WTO TRIPS Agreement. While the International Covenant on Economic, Social and Cultural Rights provided for the protection of interests resulting from any production, it also emphasized the interest that people had in the dissemination of knowledge. The implementation of the TRIPS Agreement, on the other hand, posed serious human rights problems. The Agreement not only restricted access to knowledge but also allowed traditional - in the event, indigenous - knowledge to be pirated for commercial purposes. Moreover, the protection of intellectual property rights over genetically modified organisms could have serious consequences for food security and the exercise of the right to adequate food. Lastly, human-genome mapping and patenting could also affect the exercise of the right to self-determination. For those reasons, the protection of intellectual property rights should not remain the exclusive domain of a handful of experts but should be the subject of a wide debate in which the Sub-Commission could play an important part. In that connection, he called on the Sub-Commission to consider document E/CN.4/Sub.2/2000/NGO/14, which dealt with the links between the TRIPS Agreement and human rights.

58. The Sub-Commission was courageously grappling with the effects of the activities and working methods of transnational corporations on the full enjoyment of all human rights. The efforts to draft a code of conduct for corporations were also welcome; such a code would be a useful complement to the purely voluntary commitment of transnational corporations envisaged by the Secretary-General in his Global Compact. It was worth pointing out in that connection that a number of non-governmental organizations had sent a letter to the Secretary-General to express their dismay at learning that a number of corporations known for their serious violations of human rights, including Nike, Shell, BM Amoco, Rio Tinto and Novatis, had been approached to become partners in the Compact.

59. Nevertheless, it was encouraging to see that efforts had been made to develop a mechanism to monitor observance of the principles contained in the aforementioned code. It must also be decided whether the code would apply to all the actors involved in trade or only to transnational corporations.

60. The draft optional protocol to the International Covenant on Economic, Social and Cultural Rights currently before the Commission on Human Rights had unfortunately not so far received the support it deserved. The Sub-Commission should support the Commission in its call to States for comments on the draft. In addition, a working group should be set up to consider it further. Lastly, the Sub-Commission should express support for the organization by the High Commissioner for Human Rights of an expert meeting on the draft.

61. Mr. YOUSAF (World Muslim Congress) said that although the right to development had been defined as a universal and inalienable right in the Vienna Declaration, it had made little headway since its adoption by the General Assembly in 1986. He therefore hoped that the Working Group on the Right to Development, which was due to meet the following month, would help create conditions in which that right could be effectively realized.

62. The efforts by States to realize the right to development were being seriously undermined by the debt burden. The Heavily Indebted Poor Countries Debt Initiative of the World Bank and the IMF was a positive step but was not enough. The recent review of the World Summit on Social Development had emphasized the need to find a lasting solution to the debt problem.

63. Extreme poverty, which affected at least 1.3 billion people, was another major obstacle to the realization of the right to development. The Sub-Commission and the Working Group on the Right to Development should study ways and means to eliminate that scourge.

64. The right to development could not be realized without sustained and predictable international cooperation. The absence of peace and security also hindered development, as shown by the dispute over the territory of Jammu and Kashmir. The Hindu fundamentalist Government in India made matters worse every time it announced its intention to integrate the territory into the Indian Union. It had also increased its defence budget, forcing Pakistan to do the same.

65. It was therefore of the utmost importance for the Sub-Commission and the Working Group on the Right to Development to take those factors into account in their discussions with a view to producing a constructive strategy for the realization of the right to development.

66. Ms. Daes, Vice-Chairperson, took the Chair.

67. Mr. BENGOA said that the Commission on Human Rights, at its fifty-sixth session, had endorsed, in its decision 2000/107, the holding of a social forum during the fifty-second session of the Sub-Commission. Such a forum was needed to allow representatives of Governments, workers, employers, non-governmental organizations and others to discuss the relationships between human rights and globalization. For lack of time, the Sub-Commission was unable to hold the forum during the current session. The forum would therefore have to be held between sessions, and would be expected to last three days.

68. Together with Ms. Mbonu, he was busy preparing a draft resolution on the social forum, which would take up the agenda contained in Sub-Commission resolution 1999/10 and which would be sent to the Commission on Human Rights.

69. Mr. GUPTA (Afro-Asian People's Solidarity Organization) said that the Sub-Commission should devote more attention to the right to development, which had been defined as an essential right in the Vienna Declaration and Programme of Action, as over half of the people in the world were living on two dollars a day or less, and the gap between the rich and the poor continued to grow wider. Under article 2 (3) of the Declaration on the Right to

Development, States had the right and duty to formulate appropriate national development policies that aimed at the constant improvement of the well-being of the entire population and of all individuals.

70. Tensions resulting from ideological conflicts and territorial ambitions were a serious impediment to States' development efforts. That was especially so in Afghanistan, Africa and Jammu and Kashmir, where groups of mercenaries sprang up to wreak havoc and kill on the orders of the highest bidder. Nation-States, when not condoning those activities, were increasingly powerless to resist them. Resources devoted to war were lost to the cause of development. Future generations were owed a society free of conflicts based on religion, race or belief and in which all members shared fairly in the fruits of development.

71. Ms. BRUN (France Libertés-Fondation Danielle Mitterrand) said that the structural adjustment programmes imposed by the World Bank and IMF in response to the debt problem had helped plunge the economies of many African countries into deep crisis. In the vast majority of those countries, the amounts allocated to debt-servicing were higher than those spent on education and health combined. It was obvious that every penny spent on debt-servicing was a penny lost to the fight against poverty, illiteracy and AIDS and other sicknesses.

72. It had also become obvious that the vast majority of African countries would never be able to repay the debt, however it was rescheduled. Moreover, for several years the net financial flows into the poorest countries had become negative, meaning that the poor countries were transferring part of their meagre resources to the rich countries.

73. That was why a vast worldwide movement had sprung up to call quite simply for the cancellation of the whole debt of the poorest countries. The movement had been greatly boosted by "Jubilee 2000", which had mobilized millions of people around the world and collected 20 million signatures demanding cancellation of the debt.

74. It should also be borne in mind that in some countries the debt had been contracted by harsh dictatorships which had used the borrowed money to oppress their people. In the case of sub-Saharan Africa, there was an irrefutable historical argument in favour of unconditionally cancelling the debt; for several centuries, through slavery and colonization, that region had paid dearly for the development of the industrialized countries.

75. Key issues such as providing access to education, combating epidemics and promoting sustainable development were tied, first and foremost, to the cancellation of the debt of the poorest countries. Those problems could be settled only if the rich countries kept their promise and made a firm commitment to transform that debt into development aid.

76. Ms. MARWAH (International Institute for Non-Aligned Studies) said that security and freedom of choice were prerequisites for the realization of economic, social and cultural rights. As not all countries had the same natural resources, development theory had always stressed the

need for mobility of resources and labour, but the reality was that there were more and more obstacles to the free movement of people. Basically, those obstacles were due to fear on the part of a number of developed countries that their standards of living would be adversely affected by an influx of immigrants. Those countries had forgotten that prosperity depended on cooperation and collaboration.

77. At a time when there should be greater acceptance of diversity, the majority groups in some countries were seeking to eradicate the distinctive features of minorities by refusing to recognize their religious, linguistic, cultural and social rights. As had been seen in the former Yugoslavia and, to some extent, East Timor, that process was always accompanied by massacres and destruction. The promotion of democracy and minority rights was vital to the realization of peoples' economic, social and cultural rights. States should therefore be encouraged to review their policies to encourage human mobility, which was the source of economic progress and, more importantly, understanding between people. On the other hand, States and groups that denied minorities the right to express themselves freely were seriously compromising their own development.

78. Ms. Motoc resumed the Chair.

79. Ms. SAYEGH (World Movement of Mothers) said that the 10-year-old sanctions against Iraq were destroying the country's economic system, causing the breakdown of its social services and killing, through the lack of health care, hundreds of thousands of children. That institutionalized looting, carried out under the auspices of the United Nations and under the leadership of the United States, combined with genocide, threatened Iraq's future. The embargo on Iraq was not only illegal but also a gross violation of the Charter of the United Nations, as were the daily bombings carried out by American and British planes. The embargo raised doubts about the credibility of the United Nations and threatened its existence. The suffering of the Iraqi people showed that human rights were merely a diplomatic tool intended to shore up the dominance of certain States, and one, moreover, that maintained a state of tension in the Middle East, threatening peace and preventing the settlement of the disputes there. The immediate lifting of the embargo was a precondition for the peaceful settlement of disputes in the region. Military operations and sanctions should give way to the negotiation and conciliation procedures accorded priority in the Charter.

80. Mr. GONZALEZ (International Indian Treaty Council) stressed that the right to development was still being denied to indigenous peoples, basically to suit the economic interests of transnational corporations. The continued dispossession and forced relocation of indigenous peoples from their traditional lands and territories to satisfy those corporations' financial interests was tantamount to genocide or, at the least, ethnocide. Yet article 1 of the Declaration on the Right to Development stipulated that "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized". The right also implied "the full realization of the right of peoples to self-determination, which includes ... the exercise

of their inalienable right to full sovereignty over all their natural wealth and resources". The right was also enshrined in other international instruments, such as the ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, the Rio Declaration on Environment and Development and Agenda 21.

81. The establishment of WTO in 1995 to implement multilateral trade agreements and eliminate barriers to free trade had made matters worse for indigenous peoples. For example, the situation of the Dineh people, the Shoshone nation and the Gwich'in people in the United States of America and the situation of the U'wa people in Colombia had distinctly deteriorated as a result of the activities of transnational corporations. The same was true in Africa, especially in Nigeria, and in Papua New Guinea, where virgin forest and the environment were being damaged. Moreover, under the WTO TRIPS Agreement, the private sector was allowed to patent and exploit the traditional medicinal plants used by indigenous peoples since time immemorial.

82. Other examples of the effects of the activities of transnational corporations on indigenous peoples could be found in the report entitled "Transnational investments and operations on the lands of indigenous peoples" (E/CN.4/Sub.2/1992/54). Another report on the same question (E/CN.4/Sub.2/1994/40) put more emphasis on the situation in Asia, Africa and Siberia.

83. Mr. OZDEN (Centre Europe-Tiers Monde) said that his organization was particularly concerned about the human rights violations perpetrated by transnational corporations and it appreciated the work of the sessional working group on the working methods and activities of transnational corporations. However, the contents of the working paper presented on the previous day by the working group (E/CN.4/Sub.2/2000/WG.2/WP.1) were very surprising. For one thing, the report contained several procedural irregularities and, for another, it reflected only a very small part of the discussions that had taken place at the two sessions of the group. Moreover, the working group had a tendency to stray from its initial mandate, as defined in Sub-Commission resolution 1998/8, according to which the human rights violations committed by transnational corporations should be analysed and recommendations and proposals for possible action in that regard should then be formulated. For instance, the adoption of a special international instrument on the impact of the harmful activities of transnational corporations on human rights could be considered. Moreover, the experts present had not had enough time to consider carefully the working group's report. The report's coverage of non-governmental organizations' contributions was unbalanced, highlighting the views held by a minority, if not an individual. He hoped that the comments submitted jointly by Centre Europe-Tiers Monde, the American Association of Jurists and Pax Romana would be included in the final version of the report.

84. Mr. AMAT FORÉS (Observer for Cuba) deplored the lack of progress in, and obstacles to, the implementation of the Declaration on the Right to Development. The major obstacles at the national level were: the lack of political will by certain Governments to meet the needs of large sectors of the population; inadequate resources; the unequal distribution of wealth and property within countries; inadequate participation by the people in decision-making bodies; and constraints on States' ability to act as a result of the structural adjustments imposed by

neo-liberalism. At the international level, the obstacles were: the debt-service burden on the countries of the South; greater inequality in trade between developed countries and developing countries; the continuous reduction in official development assistance; the raising of non-tariff trade barriers, which were an obstacle to exports from developing countries; the monopoly on patents and the obstacles to the transfer of technology and know-how; the brain drain; and unilateral measures that breached international law and the Charter of the United Nations.

85. The right to development affirmed in the Vienna Declaration and Programme of Action had still not become a reality for the vast majority of developing countries. Moreover, official development assistance, which was supposed to represent 0.7 per cent of the GNP of the developed countries, had fallen continuously and was currently at 0.22 per cent. Furthermore, the debt of the 41 poorest and most heavily indebted countries had only been partly cancelled.

86. The realization of the right to development depended on international cooperation and, in addition to political will on the part of those responsible for economic, financial and trade issues, required the adoption of global policies on the subject. The recent summit of the Group of 77 in Havana had helped to strengthen that cooperation to some extent.

87. Mr. AL-DOURI (Observer for Iraq) said that the Iraqi people had been suffering for 10 years from the embargo imposed through the United Nations. The 1990 resolution establishing the embargo in fact violated the human rights of the Iraqi people, making life worse for the population, which was exposed to hunger, sickness and unemployment. One-and-a-half million people had suffered from the lack of medicines and food and from the spread of epidemics. The embargo - a war waged deliberately not only against the Iraqi people but also against their industry, agriculture, trade and educational system - deprived Iraqi citizens of their most basic economic and social rights.

88. Some people drew attention to the United Nations "oil-for-food" programme, but that programme, set up five years earlier, had not been able to meet the basic needs of the Iraqi people. Moreover, three United Nations officials responsible for overseeing its implementation had resigned because the programme had failed. Failure was due in particular to the Sanctions Committee and the dominance of the United States and Great Britain in that Committee. Iraq had been authorized to export oil worth only US$ 7.6 million, or barely US$ 250 per inhabitant, over the whole period. Because of the embargo, many contracts, including contracts for the purchase of vaccines, medicines and irrigation systems, had been suspended. Moreover, even though Security Council resolution 661 had excluded food and medicines from the embargo, there was an inadequate supply of those products. He called on the Sub-Commission to remain vigilant, as it had been in recent years, and to demand the immediate lifting of the embargo.

89. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) thanked the Sub-Commission for recommending, in its decision 1999/107, that Mr. Guissé should be appointed as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation services. The decision showed that the Sub-Commission was aware of how important water was in the life of peoples and societies.

90. In some ways, the history of the Libyan Arab Jamahiriya was the story of a struggle against thirst. A large part of Libyan territory was in desert regions where rainfall was low and freshwater supplies were rare. In the 1960s, oil exploration in the south of the country had revealed underground lakes and rivers. The discovery had led to a major civil-engineering project to transport the water economically to populated areas. The project envisaged building a network of underground pipes four metres in diameter to carry the water to inhabited areas, in what would be one of the biggest canalization systems in the world. The Libyan Arab Jamahiriya was thus engaged in a veritable war against desertification. The water canalized in that way was intended for various projects, including agricultural ones. Moreover, as the resources were located on national territory, no one could deprive the Libyan people of them, which was a major advantage at a time when conflicts over access to water were so common.

The meeting rose at 1 p.m.